REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-32 are pending in this application.

Claims 29-32:

The Amendment/Response filed August 2, 2004 presented new claims 29-32. However, these new claims were not addressed in the outstanding Office Action. In particular, none of these claims were rejected under 35 U.S.C. §102 or §103.

Rejection Under 35 U.S.C. §103:

Claims 1-28 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Chang (U.S. '580) in view of Whalen et al (U.S. '066, hereinafter "Whalen"). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, all of the claim limitations must be taught or suggested by the prior art. Applicant respectfully submits that the combination of Chang and Whalen fails to teach or suggest all of the claim limitations. For example, the combination fails to teach or suggest "sending the server from a first place where it communicates with the client, through the distributed computing environment towards a second different place to perform data processing therefrom," as required by independent claim 1. The combination also fails to teach or suggest "receiving the server sent from a first place where it communicated with the client, through the distributed computing

environment, at a second different place, to perform data processing at the second place," as required by independent claim 8. The combination also fails to teach or suggest "the software entity is selectively re-locatable to different places through the environment," as required by independent claim 13. Independent claim 28 requires a similar feature. The combination also fails to teach or suggest "the server serialized for transmission between a first place where it communicates with the client, through the distributed computing environment and a second different place to perform data processing," as required by independent claim 20. The combination also fails to teach or suggest "the proxy being operable to send the server from a first place where it communicates with the client, through the distributed computing environment towards a second different place to perform data processing," as required by independent claim 21.

Section 10 of the Office Action alleges "Chang discloses a proxy being operable to send the server object from a first place where it communicates with the client, through the distributed computing environment towards a second different place to perform data processing [Chang, col. 2, lines 36-49, and col. 5, lines 7-58]." This allegation is baseless. Chang fails to disclose any movement of any server. Fig. 5 of Chang illustrates two servers (355 and 362). However, neither server (355 or 362) is moved, and no client is switched between the two servers. Chang's disclosure relates to a proxy object which translates requests/messages between a client and a server which do not share a communication protocol. The term "translates" means changing from one

3

language to another, and does not mean movement. Even if the term "translates"
were somehow misconstrued to mean movement, it is the requests/messages that
are translated in Chang, not server objects.

Col. 2, lines 36-49 of Chang (specifically identified in the Office Action)
states the following:

> "Embodiments of the present invention provide innovative systems and methods for providing communication between different implementations of object request brokers. A bridge including a proxy object allows communication between the object request brokers. The proxy object within the bridge stores the server object reference in its reference data. The proxy object translates messages (e.g., requests and responses/exceptions) to the transfer protocol of the server object and redirects these messages according to the server object reference stored in the proxy object's reference data. Thus, an efficient mechanism for providing communication between different implementations of object request brokers is achieved."

The above passage of Chang teaches providing communication between
different implementations of object request brokers (ORBs). These different
implementations have different transfer protocols. Chang describes a proxy object
which translates (again, in the sense of changing from one language to another,
and not in the sense of movement) messages between the language of two ORBs
which need to communicate. The above passage also mentions that the proxy
object stores a reference for a server object (ORB) and uses the stored reference
when it redirects a message which it has translated. Accordingly, the above
passage of Chang fails to disclose movement of any server object.

4

Col. 5, lines 7-58 of Chang (specifically identified by the Office Action) also fails to teach or suggest sending a server object anywhere. For example, col. 5, lines 7-12 of Chang states the following:

> "Also in FIG. 4, an ORB 308 includes a bridge 310. ORB 308 uses a transport protocol other than IIOP. In this instance, bridges 304 and 310 provide communication between ORBs 302 and 308 utilizing an intermediate transport protocol of IIOP. Thus, two bridges provide full interoperability between NEO ORB 302 and ORB 308."

No part of the above passage even begins to suggest that a server object can be sent anywhere. The above portion of Chang merely teaches that bridges (304 and 310) provide communication between ORBs which do not share a communications protocol, and that an intermediate transport protocol (IIOP) is used between the two bridges 304 and 310. Col. 5, lines 8-20 of Chang teaches that the bridges provide bidirectional communication between different implementations of ORBs.

Section 10 of the Office Action further states "The proxy object of Chang does the same function as the 'server' in the instant claim...." This allegation is completely baseless. Section 11 of the Office Action apparently alleges that col. 5, lines 22-47 of Chang discloses freezing incoming calls for a server at a first place while the server is being sent from the first place to a different place. This allegation is also baseless. Neither Fig. 5 nor col. 5, lines 22-47 of Chang describes anything relating to freezing calls. While this portion of Chang makes reference to storage, what is described as being stored are the object references of

5

the server. There is no teaching or suggestion of freezing calls in this portion of

Chang.

With respect to freezing of incoming calls for a server, section 11 also

makes reference to col. 5, lines 42-62 of Whalen. In lines 54-58 and 60-62 of this

portion of Whalen, when a mobile browser has issued a request for a dependent

resource (i.e., a resource which is appropriately associated with an HTTP page

request), proxy software 14 (which is part of the mobile device of which the DSP

is element 10) is able to either: (i) respond immediately by providing the

dependent resource; or (ii) hold the request until the dependent resource has been

received from a fixed server. When the dependent resources have been received,

they are forwarded to client 10. Even assuming arguendo that Whalen discloses

the freezing of incoming calls (Applicant submits that this is not the case), there is

no teaching or suggestion to relocate a server from a first place to a second place,

and there is also no teaching or suggestion to direct the frozen calls towards a

second place to be processed by the relocated server when it has become

functional at the second place (see, e.g., dependent claim 22). The proxy server in

Whalen never sends unto the other server any held requests.

While Whalen uses the expression "mobile proxy software" (14), this proxy

software is not mobile within the system. That is, it is not designed or

implemented in such a way that it can be sent from one place in the system to

another place in the system. Rather, the "mobile" designation is merely to indicate

6

that it is proxy software resident on a mobile device such as a cell phone, PDA, or laptop.

With respect to dependent claim 23, section 6 of the Office Action alleges that col. 6, lines 52-63 of Chang discloses "waiting for the server to complete its current processing tasks before sending it to the second place." Applicant respectfully disagrees. This portion of Chang relates to a process performed when a client on the NEO ORB attempts to invoke a server on another ORB. The bridge needs to translate the client's request to a language (IIOP) usable by the other ORB which hosts the relevant server. There is no teaching regarding the status of the server and no teaching even to pause the attempted invocation until after completion of its current processing. As discussed above with respect to the independent claims, there is also no teaching here to send a server object to another place. Col. 5, lines 42-62 of Chang also fails to provide any teaching of waiting for the server to complete its current processing task before sending it somewhere.

Section 7 of the Office Action apparently alleges that col. 5, lines 7-58 of Chang (repeatedly referred to in the Office Action) and col. 7, lines 16-49 of Whalen discloses serializing the server from an operational configuration at a first place into a configuration suitable for transmission through the distributed environment to a second place. Applicant respectfully disagrees. As discussed above, col. 5, lines 7 *et seq.* of Chang merely discloses bridges which permit

communication between ORBs which do not share a communications protocol and

an intermediate transport protocol (IIOP) being used between the bridges.

Accordingly, Applicant submits that claims 1-28 are not "obvious" over

Chang in view of Whalen, and thus respectfully requests that the rejection of

claims 1-28 under 35 U.S.C. §103 be withdrawn.

Conclusion:

Applicant believes that this entire application is in condition for allowance

and respectfully requests a notice to this effect. If the Examiner has any questions

or believes that an interview would further prosecution of this application, the

Examiner is invited to telephone the undersigned.

Respectfully submitted,

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